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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,186	02/13/2002	Tsutomu Tojo	501.36686CC2	6096

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EXAMINER

DAY, MICHAEL HENRY

ART UNIT PAPER NUMBER

2879

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/073,186

Applicant(s)
T. Tojo, et al.

Examiner
Michael Day

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2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 15, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-22 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Feb 13, 2002 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/182,437.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

1. Amendment A, filed 15 October 2002, has been entered.
2. The terminal disclaimer filed on 15 October 2002 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of patent No. 6,144,151, and 6,348,759 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Specification

3. The disclosure is objected to because of the following informalities:

On page 4, line 17, the reference to Japanese laid open patent application 1992/152834 (i.e. Japanese laid open patent application 4-152834) appears to contain a typographical error. Japanese laid open patent application 4-152834 does not appear to be related to electron guns. Furthermore, it is suggested that the Applicant provide the Examiner with a copy of the subject reference because it is not readily available for consideration.

Appropriate correction is required.

Drawings

4. Figure 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

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A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a speed-modulation coil installed surrounding the neck portion extending across the first division electrode 61, second division electrode 62 and the anode 7 must be shown or the feature canceled from the claims 11, and 21. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors.

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In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 11-15, and 17-20 are rejected under 35 U.S.C. 102(e)⁷ as being unpatentable over Watanabe et al. (U.S. patent No. 5,814,930) in view of the admitted prior art of pages 1-5 of the instant specification and corresponding figures 4, 5A, 5B, 6A, and 6B. Watanabe et al. disclose a color CRT substantially as claimed. See FIG. 1, and 9, and respective portions of the specification.

Referring to claim 11, Watanabe et al. disclose a color CRT including an electron gun 31 having focusing electrode 36 and an anode (G6), a screen 24, a speed-modulation coil (yoke 30), the focusing electrode 36 (see FIG. 9) have a first and a second divisional electrode 61, 62, respectively, the length of the second divisional electrode 62 is shorter than the length of the first divisional electrode (see FIG. 9), and the length of the second divisional electrode is greater than the diameter of the single opening in the direction at right angles to the in-line direction (see FIG. 9). Watanabe et al. are silent as to the speed-modulation coil controlling the scanning speed of the electron beams. The applicant admits on pages on pages 1, and 2, of the instant specification that speed-modulation coils are generally used for control the scanning speed of the electron beams and provide the advantage of improving the picture quality. It would have been obvious to

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one skilled in the art to use the speed-modulation coil to control the scanning speed of the electron beams, to provide the advantage of improving the picture quality.

Claims 12-15, 17-19, and 21 are rejected for the same reasons as claim 11.

Referring to claims 10 and 20, it is unclear whether Watanabe et al. disclose a color CRT wherein the voltage difference between the first and the second divisional electrodes are less than 3 kV, however, the specification of a suitable working voltage is within the skill of the art.

Referring to claim 22, the optimization of prior art structure is generally considered within the skill of the art.

Response to Arguments

8. Applicant's arguments filed 15 October 2002 have been fully considered but they are not persuasive.

Referring to Page 4 of amendment A, filed 15 October 2002, the applicant alleges the following: “the Examiner has mischaracterized Figure 4 in that when Figure 4 includes the structural arrangement as illustrated in Figures 1A-1C and 2A-2B, for example, Figure 4 is representative of the present invention, and is not ‘Prior Art’.” Emphasis in the original. The examiner respectfully disagrees. First, it is noted that FIG. 4 is described by the applicant as prior art on page 2 of the “Background of the Invention” section of the instant specification. Consequently, it would appear that the applicant is alleging that the inventors have mischaracterized the instant invention. Second, explicit admissions of prior art by applicant are

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prima facie binding on the applicant. Attorney argument is insufficient to rebut a prima facie binding admissions of prior art by applicant. See MPEP 2129, and *In re Nomiya* 184 USPQ 607. Finally, the argument is illogical because Figure 4 does not includes the electrodes as illustrated in Figures 1A-1C and 2A-2B. If Figure 4 were redrawn to include the electrodes as illustrated in Figures 1A-1C and 2A-2B, then it would be a new figure. Furthermore, such a new figure may contain objectionable new matter because it would not illustrate a speed-modulation coil installed surrounding the neck portion extending across the first division electrode 61, second division electrode 62 *and the anode* 7, as described in the specification. Again, a proposed drawing correction or corrected drawings, or other action, would be greatly appreciated in reply to the Office action in order to expedite prosecution of this application.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Day whose telephone number is 703/305-4941. The examiner can normally be reached on Monday-Friday, from 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel, can be reached by phoning 703/305-4794. The Fax phone number is 703/308-7382.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 703/308-0956.

December 19, 2002

**MICHAEL DAY
PRIMARY EXAMINER
GROUP 2870**

A handwritten signature in black ink, appearing to read 'M. Day', with a long horizontal flourish extending to the right.